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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,727

11/20/2003

Russell B. Thompson

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EXAMINER

ANDERSON, MICHAEL J

ART UNIT

PAPER NUMBER

3767

MAIL DATE

DELIVERY MODE

05/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/719,727	Applicant(s) THOMPSON ET AL.	
	Examiner MICHAEL J. ANDERSON	Art Unit 3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 and 16-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The application has been forwarded to me by the 3700 SPRE Shop (via SPRE Henry C. Yuen) to construe the petitions filed 4/21/08 as a request for reconsideration. Upon review and consideration, a new final Office action is prepared to clearly explain the rejection with additional reference numerals.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 8 –12 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hampton (US patent No. 4,940,062) (Hampton).

With regard to claims 8-12 and 16-20 Hampton discloses a catheter steering device (figures 1 and 5), comprising: a main body portion (at location 10, figure 5) defining a proximal end (57) and a distal end (12) and including a malleable portion (45) between the proximal and distal ends; a deflectable portion (13) associated with the distal end of the main body portion and deflectable relative to the main body portion; and at least one operative element (11) carried by the deflectable portion.

With regard to claims 8, Hampton discloses (figures 1-12) a device, comprising: a main body portion (at location 10, figure 5) defining a proximal end and a distal end

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and including a malleable portion (45) fixedly positioned between the proximal and distal ends (column 3, lines 11-39); a deflectable portion (13) extending distally from the distal end of the main body portion and deflectable relative to the main body portion; a steering mechanism (15, 18, 14, 24), operably connected to the deflectable portion, that bends the deflectable portion relative to the main body portion; and at least one operative element (11, 17, 18, 47) carried by the deflectable portion.

With regard to claims 9, Hampton discloses (figures 1 and 5) a device as claimed in claim 8, and further discloses wherein the main body portion (at location 10, figure 5) comprises a catheter body.

With regard to claims 10, Hampton discloses (figures 1 and 5) a device as claimed in claim 8, and further discloses wherein the deflectable portion comprises a steering spring (13).

With regard to claims 11, Hampton discloses (figures 6 and 12) a device as claimed in claim 8, and further discloses wherein the deflectable portion deflects in at least two directions.

With regard to claims 12, Hampton discloses (figures 6 and 12) a device as claimed in claim 8, and further discloses wherein the deflectable portion deflects in at least four directions (40).

With regard to claims 16, Hampton discloses (figures 1-12) a device as claimed in claim 8, and further discloses wherein the steering mechanism comprises at least one steering wire (11, 17, 18, 47) secured within the deflectable portion and movable relative to the main body portion (at location 10, figure 5).

With regard to claims 17, Hampton discloses (figures 1-12) a device as claimed in claim 16, and further discloses wherein the steering mechanism further comprises a handle (15) connected (12) to the proximal end of the main body portion and to the at least one steering wire (11, 17, 18, 47).

With regard to claims 18, Hampton discloses (figure 5) a device as claimed in claim 8, and further discloses wherein the deflectable portion (13) is more flexible than the main body portion (at location 10, figure 5).

With regard to claims 19, Hampton discloses (figure 5) a device as claimed in claim 8, and further discloses wherein the malleable portion (45) is not part of the steering mechanism.

With regard to claims 20, Hampton discloses (figures 1-12) a device as claimed in claim 16, and further discloses wherein the malleable portion (45) is not part of the at least one steering wire (14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-14 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hampton (US patent No. 4,940,062) (Hampton) in view of Pohndorf (US patent No. 4848352) (Pohndorf).

With regard to claims 13-14 Hampton discloses (figures 1-12, and column 3, lines 11-39) the catheter device as claimed in claim 8, However, Hampton does not disclose wherein the at least one operative element comprises electrodes. Pohndorf discloses (figures 1-10) a catheter with multiple electrodes (52). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine to steering catheter of Hampton with electrode sensor catheter disclosed by Pohndorf for measuring electrical signals in the body.

With regard to claims 21, Hampton (figures 1-12 and column 3, lines 11-39) and Pohndorf (figures 1-10) disclose a catheter, comprising: a tubular catheter body (Hampton, location 10, figure 5) including a tubular malleable portion (45) and a distal portion (13) that is distal of the tubular malleable portion; a steering spring (13) mounted within the tubular distal portion (figure 6); at least one steering wire (14, 18) that extends through the tubular malleable portion (45) and is connected to the steering spring; and at least one electrode (Pohndorf, 52) carried by the distal portion of the tubular catheter body.

With regard to claims 22, Hampton and Pohndorf disclose a catheter as claimed in claim 21, and further disclose wherein the distal portion is more flexible than the tubular malleable portion.

With regard to claims 23, Hampton and Pohndorf disclose a catheter as claimed in claim 21, and further disclose wherein the at least one electrode comprises a plurality of spaced electrodes (Pohndorf, 28, 30 and 32).

With regard to claims 24, Hampton and Pohndorf disclose a catheter as claimed in claim 21, and Hampton (figures 6 and 12) further disclose wherein the steering spring (13) defines first and second sides; the at least one steering wire comprises first and second steering wires; the first steering wire is connected to the first side of the steering spring; and the second steering wire is connected to the second side of the steering spring.

With regard to claims 25, Hampton and Pohndorf disclose a catheter as claimed in claim 21, and further disclose wherein the at least one steering wire (11) is secured (23) directly to the steering spring.

Response to Amendment

The present communication responds to the Amendment of 11/05/2007. By this communication, the specification and claims 8, 11, 12 and 16 were amended, claim 15 was canceled and new claims 18-25 were added. The amendments did not add new matter. Claims 8-14 and 16-25 are pending. The rejection(s) are as stated.

Response to Arguments

Applicant's arguments filed 11/5/2007 have been fully considered but they are not persuasive. Hampton and Pohndorf disclose the claimed invention. Upon review

and consideration, a new final Office action is prepared to clearly explain the rejection with additional reference numerals as requested in the petition of 4/21/2008.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Anderson whose telephone number is (571) 272-2764. The examiner can normally be reached on M-F 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin C. Sirmons can be reached on (571) 272-4965. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael J Anderson
Examiner
Art Unit 3767

MJA
5/2/2008
/Kevin C. Sirmons/
Supervisory Patent Examiner, Art Unit 3767